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# Office of the People's Counsel District of Columbia

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Elizabeth A. Noël  
People's Counsel

September 15, 1997

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SEP 15 1997

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: CC Docket No. 94-129 (Long-Distance Service: Slamming )

Dear Mr. Caton:

Enclosed, please find an original and nine (9) copies of the Office of the People's Counsel for the District of Columbia's Comments in the above-referenced docket.

Please direct any comments or questions to the undersigned.

Respectfully,

A handwritten signature in cursive script, reading "Elizabeth A. Noël".

Elizabeth A. Noël, Esquire  
People's Counsel  
For the District of Columbia

Enclosure

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BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, DC 20554

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SEP 15 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
Implementation of the )  
Subscriber Carrier Selection ) CC Docket No. 94-129  
Changes Provisions of the )  
Telecommunications Act of 1996 )  
and Policies and Rules )  
Concerning Unauthorized )  
Changes of Consumers' Long )  
Distance Carriers )

The Office of the People's Counsel (OPC or Office) is the statutory advocate for utility consumers in the District of Columbia. D.C. Code Ann. §406 (1981). In this role the Office appears before federal agencies, the courts and the District of Columbia Public Service Commission (PSC or Commission) to advocate the interests of District of Columbia public telephone, gas and electric utility ratepayers.

The Federal Communications Commission (FCC or Commission) is considering various approaches to address the issue of unauthorized changes of a consumer's long distance carrier, the practice referred to as "slamming". The Office respectfully, submits these comments before the Commission to ensure protection of District of Columbia public utility ratepayers and consumers. In that regard, the Office offers the following:

**BACKGROUND:**

While the FCC is authorized to address long-distance telephone complaints, OPC, the Public Service Commission of the District of Columbia, as well as the local telephone exchange service provider must address complaints concerning local telephone matters.

These matters have included billing and service complaints, whereby local telephone customers complained about the local telephone billing or service component impacts that have stemmed directly from the consumer's having been slammed. Certain states have even fined companies or launched investigations into the local component aspects of this abusive practice. Consistent with OPC's efforts to protect District of Columbia, the Office of the People's Counsel, on behalf of District telephone ratepayers and consumers, applauds the FCC's efforts at the federal level to deter this practice. In that regard, the Office welcomes this opportunity to provide its recommendations to the FCC for actions that can be implemented at the federal level to protect consumers at both the federal and state levels. OPC's comments address matters pertaining to the issue of whether a "welcoming package" can be considered sufficient to place a consumer on notice of being switched; and whether consumers should have to pay the higher rates of the unauthorized carrier.

**COMMENTS:**

OPC-DC consistently advocates for the provision of constructive and useful information to consumers. Therefore as a general matter, the Office supports this practice. However, given that consumers generally receive a plethora of unsolicited mailings, the Officer believes that appropriate packaging, including specifications as to the size of the package, is especially important, as well as the inclusion in large bold letters of language reflecting that the consumer has been switched. The Office recommends that such packages be provided in brightly colored or otherwise eye-catching styles so that the

consumer will have ocular incentive to take notice; otherwise, the consumer may be less inclined to pay attention to pedestrian-looking unsolicited fare.

More importantly, the welcoming package should not place any burdens on the consumer for mail or telephone acknowledgments. When carriers solicit the consumer, consumers should not have to pay mail or telephone fees to acknowledge their approval to voluntarily switch carriers. In addition, the FCC should take all measures to insulate the consumer from having to affirmatively undertake any action that places the onus on the consumer and otherwise places financial and time burdens on the consumer. In that regard, OPC-DC recommends that the FCC take all appropriate and necessary measures to relieve consumers of any pressure or stress stemming from the practice of slamming. In that specific regard, the Office recommends that the FCC place all burdens of inconvenience stemming from the controversies arising between carriers from slamming instances on the affected companies and eliminate the need for the consumer to be involved, unless it is absolutely necessary to mediate the dispute and protect the affected consumer's interest.

To the extent that the Commission can require uniformity with respect to the content as may be permitted by the First Amendment, and the appearance of the welcome package, the Office believes that such uniformity would benefit consumers. Uniformity will enable consumers to have consistent expectations, as well as eliminate situations where consumers are repeatedly changed and remain unaware of being changed to different long-distance carriers. Therefore, the Commission should consider establishing a working group of carriers and efforts to ensure that consumer needs are addressed in a consistent

fashion. Aside from uniformity of the welcome package, the working group could be assigned different tasks to collectively address problems which may generically arise. Should the FCC formalize such a working group, the Office recommends that the Commission permit representatives from consumer advocate organizations to participate to further ensure that consumer interests are being addressed.

Moreover, OPC-DC believes consumers should not be forced to pay switching fees nor at the higher rates for long-distance calls charged by the unauthorized company. Upon the filing of a complaint with the FCC, the burden to resolve these matters should be with the companies and the consumer should be appropriately credited for all charges over and above what the consumer would not have paid had he/she not been switched by an unauthorized carrier, except that consumers should also be given credit for the lower rate regardless.

**CONCLUSION:**

WHEREFORE the foregoing reasons, the Office of the People's Counsel of the District of Columbia respectfully urges the Commission to adopt its recommendations concerning the protections of consumers from unauthorized changes of consumers' long distance carriers.

September 15, 1997

A handwritten signature in black ink, reading "Elizabeth A. Noël". The signature is fluid and cursive, with the first name "Elizabeth" and the last name "Noël" clearly legible. The signature is positioned above a horizontal line.

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